

SECOND REGULAR SESSION

# HOUSE BILL NO. 1949

## 97TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES THOMSON (Sponsor) AND ROWLAND (Co-sponsor).

4474L.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal sections 161.097 and 173.005, RSMo, and to enact in lieu thereof two new sections relating to teacher training.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 161.097 and 173.005, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 161.097 and 173.005, to read as follows:

161.097. 1. The state board of education **and the coordinating board for higher education** shall **jointly** establish standards and procedures by which [it] **they** will evaluate all teacher training institutions in this state [for the approval of teacher education programs. The state board of education shall not require teacher training institutions to meet national or regional accreditation as a part of its standards and procedures in making those evaluations, but it may accept such accreditations in lieu of such approval if standards and procedures set thereby are at least as stringent as those set by the board. The state board of education's standards and procedures for evaluating teacher training institutions shall equal or exceed those of national or regional accrediting associations.] **with the guidance and approval of the Missouri advisory board for educator preparation, established under subsection 2 of this section. Notwithstanding any other provision of law, the state board of education and the coordinating board of higher education shall approve all teacher education programs and any changes to the standard and procedures by which such programs are evaluated.**

2. There is hereby established within the department of elementary and secondary education the "Missouri Advisory Board for Educator Preparation", hereinafter referred to as "MABEP". The MABEP shall advise the state board of education and the coordinating board for higher education as provided in this section and foster meaningful

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 and substantial collaboration and transparency among all stakeholders in the interest of  
19 improving the quality of teacher preparation in Missouri.

20 3. The MABEP shall be composed of eight members, who shall be appointed as  
21 follows:

22 (1) One certificated classroom teacher, selected by the state board of education  
23 upon the recommendation of the commissioner of elementary and secondary education;

24 (2) One public school administrator with direct responsibility for the evaluation of  
25 classroom teachers, selected by the state board of education upon the recommendation of  
26 the commissioner of elementary and secondary education;

27 (3) One employee of the department of elementary and secondary education whose  
28 responsibilities include teacher certification, selected by the commissioner of elementary  
29 and secondary education;

30 (4) One chief executive officer or chief academic officer of a Missouri institution of  
31 higher education that offers programs of instruction that prepare individuals to become  
32 certificated teachers, selected by the coordinating board for higher education;

33 (5) One faculty member or administrator within an approved teacher education  
34 program, selected by the coordinating board for higher education upon the  
35 recommendation of the commissioner of higher education;

36 (6) One dean or director of education of a Missouri higher education institution,  
37 selected by the coordinating board for higher education upon the recommendation of the  
38 commissioner of higher education;

39 (7) One employee of the department of higher education with responsibility for  
40 program approval, selected by the commissioner of higher education;

41 (8) One representative of the public, to be appointed by the state board of education  
42 upon the recommendation of the commissioner of education. This representative shall not  
43 be a member of a local board of education or college governing board, nor shall he or she  
44 be employed as a public school teacher or administrator or in a professional position at any  
45 institution of postsecondary education or have been so employed at any time;

46 (9) The commissioner of elementary and secondary education and the commissioner  
47 of higher education shall serve as nonvoting ex officio members of the MABEP.

48 4. The duties and responsibilities of the MABEP shall include but not be limited to  
49 the following:

50 (1) Meeting with the commissioners of elementary and secondary education and  
51 higher education to discuss policy issues and proposed changes to standards and practices  
52 relating to educator and school administrator preparation;

(2) Making recommendations to the commissioners of elementary and secondary education and higher education regarding the criteria and procedures for the evaluation and approval of educator and school administrator programs within the state;

(3) Facilitating communication by inviting subject matter experts and constituencies with an interest in developing quality educators to meet with the MABEP for the purpose of identifying, reviewing, and promoting best practices and standards in educator preparation and professional development; and

(4) Conducting board meetings at a minimum of three times a year. The MABEP may meet more frequently if requested by the state board of education, coordinating board for higher education, the commissioner of elementary and secondary education, or the commissioner of higher education. The MABEP shall be chaired on an annual rotating basis by the commissioner of education and the commissioner of higher education, or their designees.

[2.] 5. Upon approval by the state board of education of the teacher education program at a particular teacher training institution, any person who graduates from that program, and who meets other requirements which the state board of education shall prescribe by rule, regulation and statute shall be granted a certificate or license to teach in the public schools of this state. **The state board of education shall not approve any teacher education program prior to receiving a formal recommendation on that approval from the coordinating board for higher education.** However, no such rule or regulation shall require that the program from which the person graduates be accredited by any national or regional accreditation association.

[3.] 6. Notwithstanding any provision in the law to the contrary, the state board of education may accredit a graduate law school and any graduate of such an accredited law school shall be allowed to take the examination for admission to the bar of Missouri.

173.005. 1. There is hereby created a "Department of Higher Education", and the division of higher education of the department of education is abolished and all its powers, duties, functions, personnel and property are transferred as provided by the Reorganization Act of 1974, Appendix B, RSMo.

2. The commission on higher education is abolished and all its powers, duties, personnel and property are transferred by type I transfer to the "Coordinating Board for Higher Education", which is hereby created, and the coordinating board shall be the head of the department. The coordinating board shall consist of nine members appointed by the governor with the advice and consent of the senate, and not more than five of its members shall be of the same political party. None of the members shall be engaged professionally as an educator or educational administrator with a public or private institution of higher education at the time appointed or during his term. Moreover, no person shall be appointed to the coordinating board who shall not be a citizen of

13 the United States, and who shall not have been a resident of the state of Missouri two years next  
14 prior to appointment, and at least one but not more than two persons shall be appointed to said  
15 board from each congressional district. The term of service of a member of the coordinating  
16 board shall be six years and said members, while attending the meetings of the board, shall be  
17 reimbursed for their actual expenses. Notwithstanding any provision of law to the contrary,  
18 nothing in this section relating to a change in the composition and configuration of congressional  
19 districts in this state shall prohibit a member who is serving a term on August 28, 2011, from  
20 completing his or her term. The coordinating board may, in order to carry out the duties  
21 prescribed for it in subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical  
22 and research personnel as may be necessary to assist it in performing those duties, but this staff  
23 shall not, in any fiscal year, exceed twenty-five full-time equivalent employees regardless of the  
24 source of funding. In addition to all other powers, duties and functions transferred to it, the  
25 coordinating board for higher education shall have the following duties and responsibilities:

26 (1) The coordinating board for higher education shall have approval of proposed new  
27 degree programs to be offered by the state institutions of higher education. **In the case of**  
28 **educator preparation programs, the coordinating board for higher education and the state**  
29 **board of education shall jointly approve proposed new degree programs offered by state**  
30 **institutions of higher education;**

31 (2) The coordinating board for higher education may promote and encourage the  
32 development of cooperative agreements between Missouri public four-year institutions of higher  
33 education which do not offer graduate degrees and Missouri public four-year institutions of  
34 higher education which do offer graduate degrees for the purpose of offering graduate degree  
35 programs on campuses of those public four-year institutions of higher education which do not  
36 otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of  
37 the parties, including assignment of administrative responsibility. Any diploma awarded for  
38 graduate degrees under such a cooperative agreement shall include the names of both institutions  
39 inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no  
40 further approval from the coordinating board for higher education. Any costs incurred with  
41 respect to the administrative provisions of this subdivision may be paid from state funds  
42 allocated to the institution assigned the administrative authority for the program. The provisions  
43 of this subdivision shall not be construed to invalidate the provisions of subdivision (1) of this  
44 subsection;

45 (3) In consultation with the heads of the institutions of higher education affected and  
46 against a background of carefully collected data on enrollment, physical facilities, manpower  
47 needs, **and** institutional missions, the coordinating board for higher education shall establish  
48 guidelines for appropriation requests by those institutions of higher education; however, other

49 provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated  
50 by the general assembly to the governing board of each public four-year institution of higher  
51 education which shall prepare expenditure budgets for the institution;

52 (4) No new state-supported senior colleges or residence centers shall be established  
53 except as provided by law and with approval of the coordinating board for higher education;

54 (5) The coordinating board for higher education shall establish admission guidelines  
55 consistent with institutional missions;

56 (6) The coordinating board for higher education shall require all public two-year and  
57 four-year higher education institutions to replicate best practices in remediation identified by the  
58 coordinating board and institutions from research undertaken by regional educational  
59 laboratories, higher education research organizations, and similar organizations with expertise  
60 in the subject, and identify and reduce methods that have been found to be ineffective in  
61 preparing or retaining students or that delay students from enrollment in college-level courses;

62 (7) The coordinating board shall establish policies and procedures for institutional  
63 decisions relating to the residence status of students;

64 (8) The coordinating board shall establish guidelines to promote and facilitate the  
65 transfer of students between institutions of higher education within the state and, with the  
66 assistance of the committee on transfer and articulation, shall require all public two-year and  
67 four-year higher education institutions to create by July 1, 2014, a statewide core transfer library  
68 of at least twenty-five lower division courses across all institutions that are transferable among  
69 all public higher education institutions. The coordinating board shall establish policies and  
70 procedures to ensure such courses are accepted in transfer among public institutions and treated  
71 as equivalent to similar courses at the receiving institutions. The coordinating board shall  
72 develop a policy to foster reverse transfer for any student who has accumulated enough hours in  
73 combination with at least one public higher education institution in Missouri that offers an  
74 associate degree and one public four-year higher education institution in the prescribed courses  
75 sufficient to meet the public higher education institution's requirements to be awarded an  
76 associate degree. The department of elementary and secondary education shall maintain the  
77 alignment of the assessments found in section 160.518 and successor assessments with the  
78 competencies previously established under this subdivision for entry-level collegiate courses in  
79 English, mathematics, foreign language, sciences, and social sciences associated with an  
80 institution's general education core;

81 (9) The coordinating board shall collect the necessary information and develop  
82 comparable data for all institutions of higher education in the state. The coordinating board shall  
83 use this information to delineate the areas of competence of each of these institutions and for any  
84 other purposes deemed appropriate by the coordinating board;

85 (10) Compliance with requests from the coordinating board for institutional information  
86 and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall  
87 be a prerequisite to the receipt of any funds which the coordinating board is responsible for  
88 administering;

89 (11) If any institution of higher education in this state, public or private, willfully fails  
90 or refuses to follow any lawful guideline, policy or procedure established or prescribed by the  
91 coordinating board, or knowingly deviates from any such guideline, or knowingly acts without  
92 coordinating board approval where such approval is required, or willfully fails to comply with  
93 any other lawful order of the coordinating board, the coordinating board may, after a public  
94 hearing, withhold or direct to be withheld from that institution any funds the disbursement of  
95 which is subject to the control of the coordinating board, or may remove the approval of the  
96 institution as an approved institution within the meaning of section 173.1102. If any such public  
97 institution willfully disregards board policy, the commissioner of higher education may order  
98 such institution to remit a fine in an amount not to exceed one percent of the institution's current  
99 fiscal year state operating appropriation to the board. The board shall hold such funds until such  
100 time that the institution, as determined by the commissioner of higher education, corrects the  
101 violation, at which time the board shall refund such amount to the institution. If the  
102 commissioner determines that the institution has not redressed the violation within one year, the  
103 fine amount shall be deposited into the general revenue fund, unless the institution appeals such  
104 decision to the full coordinating board, which shall have the authority to make a binding and  
105 final decision, by means of a majority vote, regarding the matter. However, nothing in this  
106 section shall prevent any institution of higher education in this state from presenting additional  
107 budget requests or from explaining or further clarifying its budget requests to the governor or the  
108 general assembly; and

109 (12) (a) As used in this subdivision, the term "out-of-state public institution of higher  
110 education" shall mean an education institution located outside of Missouri that:

111 a. Is controlled or administered directly by a public agency or political subdivision or is  
112 classified as a public institution by the state;

113 b. Receives appropriations for operating expenses directly or indirectly from a state other  
114 than Missouri;

115 c. Provides a postsecondary course of instruction at least six months in length leading  
116 to or directly creditable toward a degree or certificate;

117 d. Meets the standards for accreditation by an accrediting body recognized by the United  
118 States Department of Education or any successor agency; and

119 e. Permits faculty members to select textbooks without influence or pressure by any  
120 religious or sectarian source.

121 (b) No later than July 1, 2008, the coordinating board shall promulgate rules regarding:

122 a. The board's approval process of proposed new degree programs and course offerings  
123 by any out-of-state public institution of higher education seeking to offer degree programs or  
124 course work within the state of Missouri; and

125 b. The board's approval process of degree programs and courses offered by any  
126 out-of-state public institutions of higher education that, prior to July 1, 2008, were approved by  
127 the board to operate a school in compliance with the provisions of sections 173.600 to 173.618.  
128 The rules shall ensure that, as of July 1, 2008, all out-of-state public institutions seeking to offer  
129 degrees and courses within the state of Missouri are evaluated in a manner similar to Missouri  
130 public higher education institutions. Such out-of-state public institutions shall be held to  
131 standards no lower than the standards established by the coordinating board for program approval  
132 and the policy guidelines of the coordinating board for data collection, cooperation, and  
133 resolution of disputes between Missouri institutions of higher education under this section. Any  
134 such out-of-state public institutions of higher education wishing to continue operating within this  
135 state must be approved by the board under the rules promulgated under this subdivision. The  
136 coordinating board may charge and collect fees from out-of-state public institutions to cover the  
137 costs of reviewing and assuring the quality of programs offered by out-of-state public  
138 institutions. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
139 created under the authority delegated in this section shall become effective only if it complies  
140 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
141 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
142 assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a  
143 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
144 proposed or adopted after August 28, 2007, shall be invalid and void.

145 (c) Nothing in this subdivision or in section 173.616 shall be construed or interpreted  
146 so that students attending an out-of-state public institution are considered to be attending a  
147 Missouri public institution of higher education for purposes of obtaining student financial  
148 assistance.

149 3. The coordinating board shall meet at least four times annually with an advisory  
150 committee who shall be notified in advance of such meetings. The coordinating board shall have  
151 exclusive voting privileges. The advisory committee shall consist of thirty-two members, who  
152 shall be the president or other chief administrative officer of the University of Missouri; the  
153 chancellor of each campus of the University of Missouri; the president of each state-supported  
154 four-year college or university, including Harris-Stowe State University, Missouri Southern State  
155 University, Missouri Western State University, and Lincoln University; the president of State  
156 Technical College of Missouri; the president or chancellor of each public community college

157 district; and representatives of each of five accredited private institutions selected biennially,  
158 under the supervision of the coordinating board, by the presidents of all of the state's privately  
159 supported institutions; but always to include at least one representative from one privately  
160 supported community college, one privately supported four-year college, and one privately  
161 supported university. The conferences shall enable the committee to advise the coordinating  
162 board of the views of the institutions on matters within the purview of the coordinating board.

163 4. The University of Missouri, Lincoln University, and all other state-governed colleges  
164 and universities, chapters 172, 174, 175, and others, are transferred by type III transfers to the  
165 department of higher education subject to the provisions of subsection 2 of this section.

166 5. The state historical society, chapter 183, is transferred by type III transfer to the  
167 University of Missouri.

168 6. The state anatomical board, chapter 194, is transferred by type II transfer to the  
169 department of higher education.

170 7. All the powers, duties and functions vested in the division of public schools and state  
171 board of education relating to community college state aid and the supervision, formation of  
172 districts and all matters otherwise related to the state's relations with community college districts  
173 and matters pertaining to community colleges in public school districts, chapters 163, 178, and  
174 others, are transferred to the coordinating board for higher education by type I transfer.  
175 Provided, however, that all responsibility for administering the federal-state programs of  
176 vocational-technical education, except for the 1202a postsecondary educational amendments of  
177 1972 program, shall remain with the department of elementary and secondary education. The  
178 department of elementary and secondary education and the coordinating board for higher  
179 education shall cooperate in developing the various plans for vocational-technical education;  
180 however, the ultimate responsibility will remain with the state board of education.

181 8. All the powers, duties, functions, and properties of the state poultry experiment  
182 station, chapter 262, are transferred by type I transfer to the University of Missouri, and the state  
183 poultry association and state poultry board are abolished. In the event the University of Missouri  
184 shall cease to use the real estate of the poultry experiment station for the purposes of research  
185 or shall declare the same surplus, all real estate shall revert to the governor of the state of  
186 Missouri and shall not be disposed of without legislative approval.

✓